

REMARKS

Claims 1-79 are now in the application. Claims 21-45 are drawn to the elected invention. Claims 1-20 and 46-79 are drawn to the non-elected invention and may be canceled by the Examiner upon the allowance of the claims directed to the elected invention. The indication that claims 26-30 and 37-44 contain allowable subject matter is hereby noted.

Claims 21-25, 31-36 and 45 were rejected under 35 U.S.C. 102(b) as being anticipated by or under 35 U.S.C. 103(a) as being obvious over WO 99/05216 to Fujita. The rejection over Fujita should not be under 35 U.S.C. 102(b) since its publication date of April 2, 1999 is less than a year prior to the filing date of parent application serial no. 09/807,038 which is a 371 National Stage application of PCT/JP99/05557, filed October 8, 1999. Accordingly, the effective filing date of the present application is October 8, 1999 which is less than a year after the publication date of WO/05216. Accordingly, this reference can only be cited under 35 U.S.C. 102(a). However, the rejection over this reference is overcome by the attached verified English translation of Japanese priority application HEI 10-285797 which has a filing date of October 8, 1998, which is prior to the publication date of WO 99/05216. Moreover, as apparent from the attached verified English translation, HEI 10-285797 provides support for the claims being rejected. In addition, the filing of the verified English translation is not to be construed as an admission, estoppel or acquiescence to this rejection of the claims.

Claims 21-25, 31-36 and 45 were rejected under 35 U.S.C. 102(d) as being anticipated by or under 35 U.S.C. 103(a) as being obvious over U.S. Patent 6,407,146 and U.S. Patent Publication 2002-0086942. This rejection is not deemed tenable since U.S. Patent 6,407,146 and U.S. 2002/0086942 do not qualify as prior art since the earliest date that U.S. Patent 6,407,146 is entitled to as prior art is April 27, 2000 it's 37(c)(1)(2)(4) date of April 27, 2002 and the earliest date that U.S. 2002/0086942 is entitled to as prior art is April 14, 2000 (see the front page of it's corresponding US Patent 6,552,118. These two documents are cited under pre-AIPA 102(e). These dates are after October 8, 1999, the filing date of applicant's PCT application PCT/JP99/05557. Moreover, the filing date of applicant's Japanese priority application HEI 10-285797 to which applicant is entitled is prior to the filing dates of PCT applications WO

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99/05216 and WO99/05215, the corresponding PCT applications of U.S. Patent 6,407,146 and U.S. 2002/0086942, respectively.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21581-00258-US2 from which the undersigned is authorized to draw.

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Respectfully submitted,

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